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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,415

11/19/2003

Shigeru Miyamoto

723-1454

5323

27562

7590

08/19/2009

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EXAMINER

WILLIAMS, ROSS A

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,415	<b>Applicant(s)</b> MIYAMOTO ET AL.	
	<b>Examiner</b> ROSS A. WILLIAMS	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-16 and 25 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1 – 17 have been amended.

Claims 18 – 24 have been canceled.

Claims 25 – 27 have been newly added.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being obvious over Miyamoto et al (US 7,115,031) in view of Mine et al (US 5,863,248) in further view of Kobayashi (US 6,431,982) in further view of Tanskanen (US 6,817,947).**

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

**Claim 17:** Miyamoto discloses a game system comprising a common display wherein a common game world is displayed and a plurality of handheld game units that are also connected to a game console and the common display (Miyamoto Fig 1). Miyamoto et al discloses at least one map storage location for storing map data based on which to display a game space (Miyamoto 8:48 – 63). Miyamoto discloses the use of first and second game characters, thus inherently disclosing at least one character storing locations (Miyamoto 8:49 – 52). Miyamoto discloses the use of operating mechanisms and the detection of these operation mechanisms for when the game

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player operates the game unit control switches for switching the game characters to an operation mode, wherein the game characters are caused to be moved upon the display screens when the player switches to the game character (Miyamoto 8:33 – 47).

Miyamoto further discloses the use of a common display wherein a broad extent or first viewpoint of the game space containing the first and second game characters is displayed based upon the stored game space map data and the stored data in the character locations stores, when the game player operates the controller mechanism to control the first game character (8:25 – 37, 14:28 – 33). Miyamoto further discloses the display of a narrow extent of the game space upon a second display output mechanism (i.e. the second users handheld device), wherein the narrow extent of the game is a viewpoint that is of the game character that is different from the common display viewpoint on the common display (Miyamoto 15:43 – 56). Miyamoto discloses that the handheld devices that contain the individual display screens provide control mechanism switches that the player is able to use to control the game characters on the display screens (Both the common and individual display screens). Miyamoto does not specifically disclose a game wherein the player controls a game character and in response to predetermined game conditions, and in response to the selecting of a first or second game character different extents of viewable gamespace is displayed.

However Mine et al discloses the well known teaching that in many video games particularly sports video games, there are various methods of determining which game character is chosen to be the operable player character. For instance in the beginning of the game before the game begins, the player may select a game character to be the

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operable player character. The player may also be able to dynamically choose a game character to be the operable game character while playing the game, such as by pressing a specific button (Mine 1:34 - 41). Another way in which to automatically select a operable player character is to base the game character switching on the player that is nearest to the ball or coordinates of the ball in the game (Mine 1:56 - 59).

Kobayashi discloses a game wherein a display is used that provides the user with a display of variable extents of usable game space that varies in accordance with the operable game character that is switched upon a predetermined condition such as passing the ball to a game character. Kobayashi discloses a plurality of extents of the viewable display that are displayed to the user. Kobayashi discloses that the game screen consists of radar screen display that can be wide or narrow depending on the selected operable game character (Kobayashi 8:34 - 42). In response to the selected operable game character, a specific extent or view of the field will be displayed on the screen such as a B-type radar picture (Kobayashi 8:50 - 58). Further, Kobayashi discloses that the game screen can utilize multiple types of viewable extents of the gamespace that is displayed upon the display screen encompassing the first and second player controlled game characters (Kobayashi 7:25 - 44, 45 - 61, 7:63 - 8:9). As can be seen these views are different in viewable extents.

Miyamoto does not specifically discloses that the game system comprises a network server that exerts overall control over the network game and the game screen images provided to each terminal. However, Tanskanen discloses a multiplayer game that utilizes mobile terminals to play a multiplayer video game wherein the game server

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controls the multiplayer gaming environment and the generates the video image display screens that are transmitted to the mobile terminals (Tanskanen 1:29 - 2:30).

Tanskanen discloses that that different view points or field of view extents can be displayed on each mobile terminal or they can all display the same field of view extent (Tanskanen 2:3 – 35).

It would be obvious to one of ordinary skill in the art to modify Miyamoto in view of Mine and in further view of Kobayashi to provide a multiplayer game that provides game characters that are switchable to be operable by a player upon a predetermined conditions (i.e. a player activating a control switch) wherein upon a display multiple views such as narrow and wide extents depicting game characters are displayed on the screen. This would be beneficial due to the fact that some gamespaces are very large and in order to accurately depict in detail the game space to the users the view of the game space would have to more narrow or close-up to than a full wide view of the game space.

It would be obvious to one of ordinary skill in the art to modify Moyamoto in view of Tanskanen to provide a multiplayer game system that is controlled by a game server that generates the game images that are sent to the individual mobile terminals. It is well known in the art to use game servers to provide online gaming. One benefit to using a game server is that the bulk of the computer processing can be done by the server and the less of a load would be placed on the mobile terminals.

***Allowable Subject Matter***

Claims 1 – 16 and 25 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach field of view extents that are displayed upon a common display depending on the game characters assigned predetermined handicap or a common display That presents simultaneously a narrow and a full extent field of view on a common display.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 26 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSS A. WILLIAMS whose telephone number is 571-272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ronald Laneau can be reached on 571-272-6784. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. W./  
Examiner, Art Unit 3714

/Ronald Laneau/  
Primary Examiner, Art Unit 3714

08/14/09